മിസ്റ്റർ പി. കുമാരൻ എഴുത്തശ്ശൻ.—ഇതിനെപറ്റി ശരിക്കൊന്ന് ആലോചിച്ചിട്ട് പറയാൻ ഭാവമുള്ളതുകൊണ്ട് ഞാൻ ഇത് പിൻവലിയ്ക്കുന്നു.

The Motion was withdrwn with leave of the House.

The demand was then put and carried.

6. Miscellaneous—Cranganur—Rs. 7.

Rama Varmha Tampuran.—Sir, I rise to move for an amount of Rs. 7 under Miscellaneous—Cranganur. It is for the same purpose as the one mentioned just now. I request that the House may vote the amount.

The demand was put and carried.

Cochin Nationality Bill.

Deputy President.—The next item in the Agenda is the consideration of Gorernment Bills:—

The Law Member will move that the Cochin Nationality Bill be taken up and passed.

Mr. K. P. Kannan Nayar.—Sir, I rise to move that the Cochin Nationality Bill may be taken up and passed.

Mr. C. J. Mathew.—I second it.

Question put and carried.

Cochin Arbitration Bill.

Deputy President.—The Law Member will move that the Cochin Arbitration Bill be taken up for consideration.

Mr. K. P. Kannan Nayar.—Sir, I rise to move that the Cochin Arbitration Bill be taken into consideration.

Mr. C. J. Mathew.—I second it.

Question put and carried.

Deputy President.—I shall read the Bill clause by clause.

Mr. K. Ayyappan.—Sir, on a point of order. I want to know whether it is necessary to read the bill clause by clause or simply state the number of clauses and submit for the vote of the House.

Deputy President.—The former procedure is to read the Bill clause by clause. But if you all agree I have no objection to it. But we will follow the procedure usually adopted.

Mr. K. Ayyappan.—It is very difficult and rather tedious.

Deputy President.—Now you say it is very difficult. but some members might say on another occasion that the procedure followed was irregular.

Whereas it is expedient to enact a law relating to arbitration by agreement without the intervention of a Court of Justice; it is hereby enacted as follows.—

Preambleput and carried.

Short title, extent and commencement.

1. (1) This Regulation may be called "The Cochin Arbitration Regulation ..... of 110 ."

(2) It extends to the whole of Cochin ; and

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(3) It shall come into force on.....

Section put and carried.

2. In this Regulation, unless there is anything repugnant in the subject or context:— Definitions.

(a) " the Court "means the Court where, if the subject matter submitted to arbitration were the subject of a suit, the suit would have to be instituted ; and

(b) "submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

Section put and carried.

3. The last thirty-seven words of section 21 of the Cochin Specific Relief Regulation, IV of 1097 and sections 514 to 517 of the Code of Civil Procedure shall not apply to any submission or arbitration to which the provisions of this Regulation for the time being apply ; Exclusion of certain enactments in certain cases where Regulation applies.

Provided that nothing in this Regulation shall affect any arbitration pending in any Court at the commencement of this Regulation, but shall apply to every arbitration commenced after the commencement of this Regulation under any agreement or order previously made.

Section put and carried.

4. A submission, unless a different intention is expressed therein, shall be irrevocable, except by leave of the Court. Submission to be irrevocable except by leave of Court.

Section put and carried.

5. A submission, unless a different intention is expressed therein, shall be deemed to include the provisions set forth in the first schedule, in so far as they are applicable to the reference under submission. Provisions implied in submissions.

Section put and carried.

6. The parties to a submission may agree that the reference shall be to an arbitrator or arbitrators to be appointed by a person designated therein. Reference to arbitrator to be appointed by third person.

Such person may be designated either by name or as the holder for the time being of any office or appointment.

Illustration.

The parties to a submission may agree that any dispute arising between them in respect of the subject matter of the submission shall be referred to an arbitrator to be appointed by the Cochin Chamber of Commerce, or as the case may be, an arbitr-

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ator to be appointed by the President for the time being of the Cochin Chamber of Commerce.

Section put and carried.

Power of the Court in certain cases to appoint an arbitrator, umpire or third arbitrator.

7. (1) In any of the following cases:—

(a) where a submission provides that the reference shall be to a single arbitrator, but no person is mentioned by name, and all the parties do not, after differences have arisen, concur in the appointment of a particular arbitrator ;

(b) if an appointed arbitrator neglects or refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy ;

(c) where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him;

(d) where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies or is removed and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy;

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to concur in appointing an arbitrator, umpire or third arbitrator.

(2) If the appointment is not made within seven clear days after the service of notice, the Court may, on application by the party who gave the notice, and after giving the other party an opportunity of being heard appoint an arbitrator, umpire or third arbitrator who shall have the like power to act in the reference and make an award as if he had been appointed by consent of all parties.

Section put and carried.

Power for parties in certain cases to supply vacancy.

8. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless a different intention is expressed therein ;

(a) if either of the appointed arbitrators refuses to act or is incapable of acting, or dies or is removed, the party who appointed him may appoint a new arbitrator in his place ;

(b) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrartor, has served the party making default with a written

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notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent;

Provided that the Court may set aside any appointment made in pursuance of clause (b) of this section.

Section put and carried.

Powers of arbitrator.

9. The arbitrators or umpire acting under a submission shall, unless a different intention is expressed therein.

(a) have power to administer oaths to the parties and witnesses appearing ;

(b) have power to state a special case for the opinion of the Court on any question of law involved ; and

(c) have power to correct in an award any clerical mistake or error arising from any accidental slip or omission.

Section put and carried.

Award to be signed and filed.

10. (1) When the arbitrators or umpire have made their award, they shall sign it and shall give notice to the parties of the making and signing thereof and of the amount of the fees and charges payable to the arbitrators or umpire in respect of the arbitration and award.

(2) The arbitrators or umpire shall, at the request of any party to the submission or any person claiming under him, and upon payment of the fees and charges due in respect of the arbitration and award, and of the costs and charges of filing the award, cause the award or a signed copy of it to be filed in the Court ; and notice of the filing shall be given to the parties by the arbitrators or umpire.

(3) Where the arbitrators or umpire state a special case under section 9 clause (b), the Court shall deliver its opinion thereon ; and such opinion shall be added to and shall form part of the award.

Section put and carried.

Power for Court to enlarge time for making award.

11. The time for making an award may, from time to time, be enlarged by order of the Court, whether the time for making the award has expired or not.

Section put and carried.

Power to remit award.

12. (1) The Court may, from time to time, remit the award to the reconsideration of the arbitrators or umpire.

(2) Where an award is remitted under sub-section (1), the arbitrators or umpire shall, unless the Court

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otherwise directs, make a fresh award within three months after the date of the order remitting the award.

Section put and carried.

Power to set aside award.

13. Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set aside the award.

Section put and carried.

Award when filed to be enforceable as a decree.

14. (1) An award on a submission, on being filed in the Court in accordance with the foregoing provisions, shall (unless the Court remits it to the reconsideration of the arbitrators or umpire, or sets it aside) be enforceable as if it were a decree of the Court.

(2) An award may be conditional or in the alternative.

Illustration.

A dispute concerning the ownership of a diamond ring is referred to arbitration. The award may direct that the party in possession shall pay the other party Rs. 1,000, the said sum to be reduced to Rs. 5 if the ring is returned within fourteen days.

Section put and carried.

Mr. K. Ayyappan.—Sir, may I again raise a point of order?

Deputy President.—Yes.

Mr. K. Ayyappan.—According to S. O. 41, the President is given the discretion to read a Bill clause by clause or not. It reads thus:—"Notwithstanding anything in the foregoing orders, it shall be in the discretion of the President when a motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill to the Council clause by clause".

Deputy President.—We will follow the practice already adopted.

Power to remove arbitrator or umpire.

15. Where an arbitrator or umpire has misconducted himself, the Court may remove him.

Section put and carried.

Costs.

16. Any order made by the Court under this Regulation may be made on such terms as to costs or otherwise as the Court thinks fit.

Section put and carried.

Forms.

17. The forms set forth in the second schedule, or forms similar thereto, with such variations as the circumstances of each case require, may be

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used for the respective purposes there mentioned, and, if used, shall not be called in question.

Section put and carried.

Power to stay proceedings where there is a submission.

18. Where any party to a submission to which this Regulation applies, or any person claiming under him, commences any legal proceedings against any other party to the submission, or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

Section put and carried.

Power for Chief Court to make rules.

19. The Chief Court may make rules consistent with this Regulation as to—

(a) the filing of awards and all proceedings consequent thereon or incidental thereto;

(b) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto;

(c) the staying of any suit or proceeding in contravention of a submission to arbitration; and

(d) generally, all proceedings in Court under this Regulation.

Section put and carried.

Amendment of section 21, of the Cochin Specific Relief Regulation, IV of 1097.

20. In section 21 of the Cochin Specific Relief Regulation, IV of 1097, after the words "Code of Civil Procedure" the words and figures "and the Cochin Arbitration Regulation, of ", shall be inserted, and for the words "a controversy" the words "present or future differences" shall be substituted.

Section put and carried.

Government to be bound,

21. The provisions of this Regulation shall be binding on the Government.

Section put and carried.

Mr. K. P. Kannan Nayar.—I rise to move that this bill may be taken up and passed at to-morrow's sitting.

Mr. C. J. Mathew.—I second it.

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